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09/986,554	11/09/2001	Hajime Ashihara	Q67202	5906

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EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Response to Amendment

The Applicant canceled claims 1 and 11, and amended claims 2-10 and 12-20. Claims were significantly amended to warrant a final office action as necessitated by amendment; however, the Examiner believes a non-final office action as necessitated by new grounds of rejection better serves the Applicant and the Patent and Trademark Office.

Response to Arguments

Applicant's arguments with respect to claims 2-10 and 12-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 2-10 and 12-20 are rejected under 35 USC 103(a) as being unpatentable over Woolston (US 5,845,265) in view of Walker (US 6,108,639), further in view of Ghosh (PTO-892, Item: U).**

Woolston teaches a system and method of creating a computerized market for used and collectible goods by use of a market maker computer. Woolston further teaches:

- *Transmitting sales information from an agent server to a user terminal via a communications network:* market maker computer receives product listings from sellers, posts the product listings for participants to access, view, and purchase (see at least abstract; col. 1, line 3 through col. 16, line 7). Seller takes item and physically presents to market maker computer managing a consignment node (see at least Fig. 1; col. 2, lines 20-67). For example, Woolston discloses a seller posting a product listing via the market maker computer wherein the participant (i.e. buyer) purchases it at the storefront (see col. 1, lines 37-41). Please note: seller is not connected to participant over the communication's network.

- Displaying at the user terminal; selecting an item: (see at least Fig. 8 (450-460); col. 13, lines 22-56).

Woolston teaches all the above as noted under the 103(a) rejection and further teaches a) participants acquiring products via online auctions (see at least col. 5, lines 46 through col. 6, lines 67), and b) provisions to deter fraud through misrepresentation of bone fides of the goods or through financial fraud (see at least col. 18, lines 46-62), but does not disclose the user requesting an inspection report. Walker teaches a system and method for collectors to buy and sell collectibles in an online format, providing a third-party inspection service to remove buyer concerns about authenticity of a collectible, and teaches the seller being directed to send the item(s) to an authenticator for a third-party inspection (see at least abstract; col. 2, lines 49-63; col. 3, line 21 through col. 4, line 37). Walker further teaches the authenticator determining the item to be valid or invalid and notifying the system (i.e. receives report back from authenticator) (see at least col. 12, line 35 through col. 13, line 7). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Woolston to have a third-party inspect goods to be purchased and to issue a reporting indication whether the item is valid or invalid as taught by Walker, in order increase sales by attracting buyer who otherwise would be leery of using an online shopping site.

Woolston and Walker teach all the above as noted under the 103(a) rejection and substantially teach the claimed invention by providing bidirectional

communication between the buyer and the system to accept/cancel a purchase and to initiate request for inspection services, interaction between the seller and the system and the third-party authenticator, and charging the seller for the inspection service. Woolston and Walker, however, do not teach the buyer paying for an inspection. Ghosh teaches an online auction system that builds trust into the selling process by providing inspections services. Ghosh further teaches the buyer paying for more detailed physical inspection by one of the world's largest third-party inspections services (U: see at least pages 1 and 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Woolston and Walker to charge the buyer for inspection services as taught by Ghosh, in order to cover costs associated with a detailed report.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Collectingchannel.com; Internet Archive Wayback Machine, www.archive.org; www.collectingchannel.com; teaches users paying for third-party appraisal services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Fadok can be reached on 571-272-6755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR \

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'R. M. Pond', with a stylized flourish at the end.

Robert M. Pond
Primary Examiner
April 3, 2006